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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,771	09/10/1999	HIROKAZU MATSUURA	FUJR-16.383	4853

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EXAMINER

HYUN, SOON D

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 09/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/394,771

Applicant(s)

MATSUURA, HIROKAZU

Examiner

Soon-Dong Hyun

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in the last office action.

2. Claims 1, 2, 4-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagoshi et al (U.S. Patent Number 5,379,451) in view of Kumagai (U.S. Patent Number 6,125,138).

Regarding claims 1, 6, and 10, Nakagoshi et al (Nakagoshi) teaches in fig. 3, a radio unit 1 (radio base station detection means) for detecting radio waves from base stations, fig. 4 teaches in Steps S18 (a continuous receive mode) repeats the reception of base stations; fig. 3 teaches the Data identifying Apparatus 3 (area number recognizing means) for an area number of radio base stations of with location registration is permitted (See col. 7, lines 16-21); Comparing and Judging Apparatus 6 (radio base station extracting means) for extracting radio base station with area number stored in Base station information memory 7 (See col. 7, lines 30-36); memory station also stores the quality channel quality associated with the received base station.

However, Nakagoshi fails to explicitly teach the "synchronization control means" for establishing synchronicity with a radio base station of highest reception level.

Kumakai teaches in fig. 1, the Synchronous Controller for performing synchronization controls for base stations to prevent a decline in reception sensitivity (see Col. 2, lines 19-26). One skilled in the art would have been motivated by Kumakai to incorporate synchronization control means into the registration processing unit of Nakagoshi to prevent a decline in reception sensitivity. Hence, when base stations are synchronized, data reception is reliable. Therefore, it would have been obvious to one ordinary skilled in the art to incorporate the teaching of Kumakai into Nakagoshi.

Regarding claim 2, refer to Claim 1, wherein the Identifying Apparatus 3 detects base station identification numbers.

Regarding claim 4, refer to Claim 1, wherein the Base station Information Memory is nonvolatile memory.

Regarding claims 5 and 9, refer to claim 1, wherein fig. 3 teaches the Registration Information Memory 5 for storing base station already recognized area number and the Base Station Information Memory 7 stores newly detected station stations wherein the judging and comparing unit accesses both memories to perform local registration.

Regarding claim 7, Nakagoshi teaches in fig. 4: Step S1 that teaches when no Base station is retrieved. In order the Registration processing unit (fig. 3) of Nakagoshi to synchronize with other base stations, it is inherent a timer/counter is incorporated into the fig. 3 to perform synchronization.

### ***Allowable Subject Matter***

3. Claims 3 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: In combination with Claims 1 and 3, prior art fails to teach the area number recognizing means makes a location registration request to a detected radio base stations, judges a radio base station denying the location registration request to be outside area, judges a radio base station accepting the location registration request to be inside area, and recognizes an area number of the radio base station which has

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accepted the location registration request.

### ***Response to Arguments***

3. Applicant's arguments filed 06/19/2003 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that "there is no suggestion nor description that the prior art can recognize from among the received calling area names which area number of the radio base stations of which location registration is permitted.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., among the received calling area numbers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 1 and 10, Applicant further argues that Nakagoshi does not describe determining whether location registration is permitted and extracting the base stations having the area number which location registration is permitted. Examiner does not agree. With reference to col. 7, lines 16-32, Nakagoshi teaches that the radio unit is permitted to register whenever the radio unit receives a signal from a base station.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703)

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305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

5. Any response to this final action should be mailed to:  
Box AF

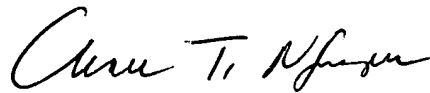
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: 703-872-9314 for formal communications intended for entry with a label of "EXPEDITED PROCEDURE" for informal or draft communications with a label of "PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).

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S. Hyun

09/05/2003



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